

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN SUGGS

*Plaintiff,*

*-against-*

JEFF NOWICKI

*Defendants.*  
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14 Civ. 8785 (PAC) (DF)

**OPINION & ORDER**  
**ADOPTING REPORT AND**  
**RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

*Pro Se* Petitioner John Suggs petitions for a writ of habeas corpus under 28 U.S.C. §2254, challenging his civil confinement under the New York Sex Offender Management and Treatment Act. While his action was pending before the Court, the New York State Courts separately reviewed the Petitioner's civil confinement and ordered Petitioner to be released from custody. *See* ECF 22. On September 13, 2017, after learning that Petitioner had been released, Magistrate Judge Freeman issued an order directing Petitioner to show cause, by October 6, 2017, why the petition should not be dismissed as moot, ECF 23, but Petitioner failed to do so.

On October 12, 2017, Magistrate Judge Freeman issued a Report and Recommendation ("R&R") recommending that the petition be dismissed as moot. ECF 24. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Magistrate Judge Freeman directed the parties to file any written objections within fourteen (14) days and noted that, otherwise, the parties will be precluded from seeking appellate review. *Id.* at 1-2. Neither party filed any objection.

The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report

and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the fact of the record.” *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Court finds no clear error in the R&R and adopts it in full. When a habeas petitioner is “no longer subject to any of the orders that he seeks to challenge,” courts generally dismiss the petition as moot, unless the petitioner can “affirmatively demonstrate[] a collateral consequence of that commitment from which the court may grant relief.” *Nyenekor v. New York*, 2014 WL 785690, at \*9 (S.D.N.Y. Feb. 25, 2014); *Best v. Barbarotta*, 2016 WL 1588501, at \*3 (E.D.N.Y. Apr. 15, 2016) (citations omitted). Magistrate Judge Freeman afforded Petitioner an opportunity to demonstrate any such collateral consequence, but Petitioner failed to do so.

Accordingly, the R&R is **ADOPTED** in full and the petition for a writ of habeas corpus is **DENIED AS MOOT**.

The Clerk of Court is directed to close this case.

Dated: New York, New York  
December 15, 2017

SO ORDERED



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PAUL A. CROTTY  
United States District Judge